



July 24, 2020

Hon. Rachel P Kovner
United States District Court
Eastern District of New York
225 Cadman Plaza E
Brooklyn New York 11201

RE: *Whitaker et al. v. BBF Partners, LLC et al.*
Case No. 1:20-cv-02831-RPK-RML

Dear Judge Kovner,

This firm has appeared in the above referenced action on behalf of BBF Partners, LLC (“BBF”) Day to Day Funding, LLC (“DTD LLC”) and Rapid Cap, Inc. (“RC INC”). In responding to Plaintiffs’ expedited discovery demands, it has come to our attention that DTD LLC and RC INC, two corporate entities that were named by Plaintiffs as defendants, are not proper parties to this action. While certain of the merchant agreements at issue in this action were issued by Day to Day Funding and Rapid Cap, the names on those contracts are d/b/a’s of BBF and Tailored Fund Cap, LLC (“TCF”), respectively. To the best of my knowledge, DTD LLC and RC INC are separate and distinct entities that are not involved in any of the transactions at issue in this case and which do not have any association or affiliation with BBF or TCF.

It is anticipated that Plaintiffs’ counsel will take the steps required to amend the caption and, if necessary, the complaint, to ensure that the proper defendants are included and that corporate entities not involved with these transactions are excluded. Upon such amendments we will be filing an Amended Notice of Appearance on behalf of BBF Partners, LLC, BBF Partners, LLC d/b/a Day to Day Funding, and Tailored Fund Cap, LLC d/b/a Rapid Cap.

We apologize for any confusion caused by the foregoing.

We thank the Court for Your Honor’s time and consideration of this matter. If there are any questions or comments please do not hesitate to contact the undersigned at your convenience.

Sincerely,

Ariel Bouskila

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